

Date: Fri, 7 May 93 04:30:25 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #131
To: Ham-Policy

Ham-Policy Digest Fri, 7 May 93 Volume 93 : Issue 131

Today's Topics:

Florida Ham's Legal Battle Over Antenna
sick of it all (3 msgs)
The Canonical list of Autopatch Answers

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Thu, 6 May 93 17:26:02 GMT
From: pacbell.com!att-out!walter!porthos!dancer!whs70@network.UCSD.EDU
Subject: Florida Ham's Legal Battle Over Antenna
To: ham-policy@ucsd.edu

In article <1s9pl3\$e84@network.ucsd.edu> jgervais@weber.ucsd.edu (Joe Gervais)
writes:

>A few months ago there was a ham in Florida who apparently
>was having serious legal troubles regarding (I believe) their
>antenna. Has anyone heard anything of his/her current plight?

I spoke directly with the ham involved a few weeks ago. Here's my
understanding of where things are at:

The case is strictly a "civil" matter involving the ham(s), the neighbors
and the "sub-division" deed restriction. The affected ham's residence
is a single family detached dhome on one acre.

The deed restrictions have NO antenna restrictions, BUT there is
a broad restriction against noxious/annoying/etc. activity. It is

under that broad restriction that the judge has ruled in favor of the neighbors who complained against the tower AND the actual amateur radio transmissions by the ham.

At this time, the ham has been ordered by the judge to (1) remove the tower AND (2) cease ALL amateur transmission from the premises. The case is now being appealed and will likely take some time before anything else happens.

For clarification, I again point out that this situation does NOT involve any restrictive town/city ordinances or laws which PRB-1 could be used against. The most threatening aspect of this case is that, if it stands, other deed restricted subdivision homeowners may try to have a similar "ban" against ALL amateur transmissions using the same argument that ham transmissions are annoying, threatening, etc. Given the hyper-fear of electromagnetic radiation these days, that could also become a battle cry of neighbor against ham in the future. (Note, this entire post is my "understanding" of the current situation. If anyone has additional details or any correction to what I've posted, please post to the newsgroup.)

Please also direct any follow-ups to the "policy" newsgroup to which I've cross-posted this response.

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

Bill Sohl (K2UNK) BELLCORE (Bell Communications Research, Inc.)
Morristown, NJ email via UUCP bcr!cc!whs70
201-829-2879 Weekdays email via Internet whs70@cc.bellcore.com

Date: 6 May 93 23:57:34 GMT
From: pa.dec.com!nntpd2.cxo.dec.com!nuts2u.enet.dec.com!little@decwrl.dec.com
Subject: sick of it all
To: ham-policy@ucsd.edu

paulf@umunhum.stanford.edu (Paul Flaherty) writes:

>Until you propose rationing the HF bands in some other fashion, and prove
>that it will work as well as the CW exam, you have failed to demonstrate that
>the CW exams do not serve their intended purpose.

Which purpose is that? To keep hams off certain frequencies? If that is your desire, then how hard can it be to create a written exam that requires the same amount of effort to pass? It certainly would be more in line with the purpose of the amateur radio service. We might even increase the number of amateurs that know enough to further the state of the art.

If on the other hand the purpose is to encourage the use of CW, what more incentive is needed than access to the dedicated portions of the bands reserved for CW?

73,
Todd
N9MWB

Date: Thu, 6 May 93 18:45:11 GMT
From: swrinde!cs.utexas.edu!zaphod.mps.ohio-state.edu!howland.reston.ans.net!agate!headwall.Stanford.EDU!nntp.Stanford.EDU!umunhum!paulf@network.UCSD.EDU
Subject: sick of it all
To: ham-policy@ucsd.edu

In article <1993May6.170713.1600@nntpd2.cxo.dec.com> little@nuts2u.enet.dec.com (nuts2u::little) writes:

>It's funny that the EEOC and courts went out of their way to eliminate
>capricious and irrelevant testing for the purposes of employment, yet the
>FCC apparently feels that those are valuable attributes for its testing
>efforts.

Until you propose rationing the HF bands in some other fashion, and prove that it will work as well as the CW exam, you have failed to demonstrate that the CW exams do not serve their intended purpose.

--
-=Paul Flaherty, N9FZX | "Just name a hero, and I'll prove he's a bum."
->paulf@Stanford.EDU | -- Col. Gregory "Pappy" Boyington, USMC (ret)

Date: Thu, 6 May 93 23:25:02 GMT
From: dog.ee.lbl.gov!overload.lbl.gov!agate!headwall.Stanford.EDU!nntp.Stanford.EDU!umunhum!paulf@network.UCSD.EDU
Subject: sick of it all
To: ham-policy@ucsd.edu

In article <1993May6.215752.856@nntpd2.cxo.dec.com> little@nuts2u.enet.dec.com (nuts2u::little) writes:

>Which purpose is that? To keep hams off certain frequencies? If that is
>your desire, then how hard can it be to create a written exam that requires
>the same amount of effort to pass? It certainly would be more in line with
>the purpose of the amateur radio service. We might even increase the
>number of amateurs that know enough to further the state of the art.

This is unlikely to happen, for two reasons.

1. The VE System. Having the entire question pool, with (only three/four!) distractors, publicly available, makes the written exam a wash. Having taught a weekend no-code license course with an 85% pass rate, I can attest to this (none of my students were Engineers, either). Not publishing the question pool is a non-option, since there would be no way for an examinee to verify that he or she was in fact given the officially sanctioned exam.
2. The sample pool. Assuming however that you can increase the technical level to a sufficient degree to filter the right number of people, you then have to look at how you've changed the sample pool. Right now, it's possible for Joe Average Nontechie to pick up the books and some code tapes, and pass the tech and general with about a month's effort. Now, the thing is, whole factions within Hamdom are made up of "Joe Average Nontechies" -- ARES in particular greatly benefits from this group. So, while you may have accomplished one goal (rationing HF), you'll have inadvertently altered a desirable feature.

Quite simply, the fairest way to ration anything is to allocate more of that thing to people who are willing to use it most efficiently. That's the way the current system works.

--

--Paul Flaherty, N9FZX | "Just name a hero, and I'll prove he's a bum."
->paulf@Stanford.EDU | -- Col. Gregory "Pappy" Boyington, USMC (ret)

Date: Thu, 6 May 1993 19:08:24 GMT
From: rtech!amdahl!amdcad!amdcl2!brian@decwrl.dec.com
Subject: The Canonical list of Autopatch Answers
To: ham-policy@ucsd.edu

(Dan Roberts) writes:

>
> Would that be illegal due to the "not for business use" clause in the rule
> book?

Oh no, here we go again. Can I order pizza via the autopatch? Here is the canonical list of answers to this question. Please search for your favorite answer and then respond by number rather than with the entire text. Save net.bandwidth! :-)

- 1) NO!
- 2) YES!
- 3) Not on MY repeater!

- 4) It's *YOUR* license you're risking!
- 5) It's the repeater trustee's license you're risking!
- 6) The FCC says "no business" and that means "no business!"
- 7) It's gotta be soooooo unimportant that you wouldn't make the call anyway.
- 8) Is the pizza recipient *DYING* for a slice of anchovy pizza?
- 9) We should fix the FCC's rules!
- 10) Hey! What about parade logistics?
- 11) ***FLAME ON*** Why do we rehash this every month?
- 12) It's those %!\$#^&* no-coder's fault!
- 13) It's OK as long as you're not in the pizza business yourself.
- 14) No! You're furthering the interests of the pizza store.
- 15) Depends on what kind of pizza you order.
- 16) Depends on the current phase of the moon.
- 17) I walked 60 miles through the *SNOW* to get my license -- now all you folks ordering pizza are gonna take it away from me!
- 18) Does the FCC really listen to our bands?
- 19) Does the FCC reall care?
- 20) Take the *#(\$^@'s to court and *SUE* them!

[If I missed any of your favorites, please mail them to me and I'll add them to the list. It mostly worked for lightbulb jokes in rec.humor many years ago!]

Brian McMinn brian.mcminn@amd.com

Date: 6 May 1993 21:16:20 GMT
From: usc!sol.ctr.columbia.edu!news.kei.com!ssd.intel.com!chnews!joshua!
jbromley@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993May3.231537.11520@nntpd2.cxo.dec.com>,
<C6IGv0.EDr@cbnewsm.cb.att.com>, <1993May06.023942.9831@physics.unr.edu>
Subject : Re: sick of it all

In article <1993May06.023942.9831@physics.unr.edu> mswmod@nimbus.sage.unr.edu
(stark) writes:

>How much would you like to bet that if the written part of the
>test was done like some of the other countries, people would
>cry about the tests being too hard.

>The real issue isn't cw. It's having to do something that isn't
>liked in order to earn a license. Anything short of no license
>would anger some.

Sorry Ron, no go. I earned a First Class Radiotelephone License when I was 16. And my engineering degrees in turn.

But that 13 wpm code requirement has kept me off of HF phone for 30 years. And this after devoting more time to code practice than I ever did to any one theoretical subject. I have tried everything I can think of to get my speed up, but to no avail. All my HF code contacts stall at 10.5 wpm. The code tapes become gibberish at 10.5 wpm. Supermorse becomes indecipherable at 10.5 wpm. And the 13 wpm license tests might as well be in Chinese.

The point is: If I could see the absolute need for 13 wpm CW proficiency, I would agree it should be a requirement. But I don't. I think the FCC should do with amateur licensing what they did with commercial tickets, split them between radiotelegraph and radiotelephone. And split the HF amateur allocations accordingly.

That way, you CW types could have your reserved space and the rest of us could have some fun exploring the vagaries of HF propagation.

>The whole country seems to think that someone else is to blame for
>everything and that the government should see to it that we never
>have to do without anything.

Nice over-generalization there.

>I'm afraid that any effort to impliment any system that would require
>work, learning, studying etc would be shouted down by the noisy few.

Implementing any system by *Government* should require continual review by the governed as to the necessity for the existence of that system.

>Can't we look around and see that Hams, for the most part, are
>a nice bunch, get along well and have fun? Either in spite of or
>because of CW.

I have been considered a second-class citizen in ham circles for the past 30 years. Nice bunch of assholes, you should say.

>This should be a hobby. It should be fun. Why do some use it as a
>source for argument? This is the same things that can be heard on
>SSB. Anyone wonder why I only use CW?

Retention of the 13 wpm requirement for HF privileges has made it, for me, a source of lifelong frustration.

>So lighten up, enjoy life and radio. 100 years from now, we won't
>know the difference anyway.

Why don't you lighten up and realize that 100 years from now it
won't matter if people had to "work hard" for radio licenses or
not.

>Listen for me from my car on 40, 30 and 20.

On those bands, that's all I can do. You're on CW, right?

>"Ron" KU7Y/M
>Sun Valley, NV

Jim Bromley, W5GYJ

Date: 7 May 93 01:15:41 GMT
From: concert!gatech!kd4nc!ke4zv!gary@decwrl.dec.com
To: ham-policy@ucsd.edu

References <N4HY.93May6065206@growler.ccr-p.ida.org>,
<1993May6.170713.1600@nntpd2.cxo.dec.com>,
<1993May6.184511.5625@leland.Stanford.EDU>
Reply-To : gary@ke4zv.UUCP (Gary Coffman)
Subject : Re: sick of it all

In article <1993May6.184511.5625@leland.Stanford.EDU> paulf@umunhum.stanford.edu
(Paul Flaherty) writes:

>In article <1993May6.170713.1600@nntpd2.cxo.dec.com> little@nuts2u.enet.dec.com
(nuts2u::little) writes:

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>>FCC apparently feels that those are valuable attributes for its testing
>>efforts.

>

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>that it will work as well as the CW exam, you have failed to demonstrate that
>the CW exams do not serve their intended purpose.

I've read Part 97, I've even read the Communications Act of 1934, but
I don't see *rationing* mentioned in either one. Instead I see things
like "to make available, so far as possible, to all people of the United
States" and "Continuation and extension" and "Encouragement and improvement"
and "Expansion of existing reservoir". Not a word about rationing. Must
be Clinton speak.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				

Date: 6 May 1993 19:11:58 GMT
From: topaz.bds.com!topaz.bds.com!ron@uunet.uu.net
To: ham-policy@ucsd.edu

References <1993May4.215247.5186@VFL.Paramax.COM>, <raven.02pj@nraven.wariat.org>,
<1993May5.185630.20695@ke4zv.uucp>?
Subject : Re: Autopatch

> Content limits on amateur radio: Remarks of a technical or personal
> nature too unimportant to require access to the public switched network.

The only place words to that effect appear in Part 97 are with respect
to International Communications in general. Part 97 doesn't even mention
patches (phone or otherwise). The rules on autopatches are based on the
fact that they are typically third party traffic which has many restrictions
on it.

-Ron

End of Ham-Policy Digest V93 #131
